

Snodland **570236 161696** **7 May 2010** **TM/10/01148/FL**
Snodland East

Proposal: Construction of single lock-up shop, Class A5 hot food take-away

Location: 43 Malling Road Snodland Kent ME6 5AA

Applicant: Mr A Langroudi

1. Description:

- 1.1 Members will recall that this application was deferred at the meeting of Area 3 Planning Committee on 30 September in the light of a recently received appeal decision on a site in Borough Green. The considerations pertinent to that appeal decision appeared to have some parallels with the current case and it was thought appropriate to examine those issues in greater detail before proceeding to a decision.
- 1.2 My report to the previous meeting, and that to the earlier meeting on 19 August, are appended to this report for information.

2. Reason for reporting to Committee:

- 2.1 The application has been deferred from previous Committee meetings, and was originally reported to Committee because of the concerns of a local Member regarding the potential of the proposed use to cause noise and disturbance and to cause highway problems, and over whether the use was appropriate in a residential area.

3. Consultees:

- 3.1 No further representations have been received since the previous report.

4. Determining Issues:

- 4.1 I have sought further technical advice on the implications and relevance of the Inspector's conclusions in respect of the appeal decision in Borough Green. I hope to be able to report further on this matter in a supplementary report. In the meantime, my previous recommendation is reproduced below.

5. Recommendation:

- 5.1 **Grant Planning Permission** in accordance with the following submitted details: Design and Access Statement dated 07.05.2010, Report dated 07.05.2010, Details dated 07.05.2010, Drawing 1H dated 07.05.2010, subject to:

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

- 3 The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 4 No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

- 5 The parking spaces shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles.

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

- 6 a) If during development work, site contaminants are found in areas previously expected to be clean, the work shall cease immediately and a remediation strategy shall be agreed with the Local Planning Authority and implemented by the developer.
- b) Any soil brought on site should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.
- c) A closure report is provided by the developer delineating (a) and (b) above and other issues such as any pollution incident during the development.

Reason: In the interests of public safety.

- 7 The use hereby approved shall only operate between the hours of 6pm to 10pm Monday to Sunday.

Reason: In the interests of the residential amenities of the occupants of the adjacent properties.

- 8 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 9 This permission shall be an alternative to the following permission(s) and shall not be exercised in addition thereto, or in combination therewith. (Permission(s) granted on 22.5.2008 and under reference(s) TM/08/791).

Reason: The exercise of more than one permission would result in an overintensive use of the land.

- 10 Prior to the development hereby approved commencing, an acoustic fence shall be constructed along the northern and western boundaries of the site, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the work commencing. Such details as are agreed shall be carried out concurrently with the development.

Reason: In order to safeguard the aural amenity of the occupiers of the neighbouring properties.

- 11 At no time shall any home deliveries take place from the premises.

Reason: In the interests of the residential amenities of the occupants of the area.

Informatives

- 1 With regard to the construction of the pavement crossing, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 08458 247 800.
- 2 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 3 Surface water from private areas shall not discharge onto the public highway.
- 4 Regarding the application of Food Hygiene Regulations under the Food Act 1984, the applicant is advised to contact the Director of Health & Housing, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling Kent, ME19 4LZ. Tel : (01732 844522)
- 5 The granting of this permission does not purport to convey any legal right to block or impede any private right of way which may cross the application site without consent which may be required from the beneficiaries of that right of way.
- 6 You are advised to consider the possibility of displaying a sign advising drivers not to leave their car engines idling whilst visiting the site, subject to the need to obtain any necessary advertisement consent from the Local Planning Authority.

Contact: Hilary Johnson